S. B. C. W. P. NO.1353/2004
Sadulshahar Shiksha Vikas Samiti (Mahila Shiksha), Sadulshahar. Vs. The State of Rajasthan & Ors.

DATE OF ORDER : 04.08.2004

HON'BLE SHRI N.P.GUPTA,J.

Mr.R.K.Singhal for the petitioner.
Mr.B.S.Sandhu }
Smt.R.R.Kanwar, Addl.G.A. } for the respondents.

Heard learned counsel for the petitioner.

The grievance of the petitioner is that vide Annexure-8, the land, in question, was earmarked for women college, but then, now by Annexure-11, it is being sought to be put to other use. According to the petitioner, this is the best suited place for establishment of a women college, and if it is used for any other purpose, as intended, the public interest would suffer. According to the frame of the writ petition, women education at Sadulshahar is a dire necessity, and the petitioner has been granted N.O.C. by the M.D.S. University, and the petitioner is in a position to generate funds for the construction of college building, and library, etc., in case if the government allots the land reserved for women college at Sadulshahar free of cost. It is also contended that the petitioner is running the college in a rented premises since 2001.

Be that as it may, the fact remains that vide Annexure-8, the claim of the petitioner for allotment of the land was turned down by the State Government for reasons, good, bad, or indifferent. Admittedly, after Annexure-8, no action has been taken by the petitioner to challenge it even in the present writ petition.

It is not in dispute, as is clear from the averments made in para 12 of the writ petition, that after passing of the order, Annexure-8, all the lands situated in Sadulshahar were transferred in the name of Municipal Board by the Mandi Samiti Hanumangarh. In this background, I find on record that vide Annexure-9, the Municipality had resolved to widen the road, and in that process, to remove the existing stalls. Then vide Annexure-10, it has been resolved that the land in question be appropriately planned out for commercial use in accordance with law, and vide Annexure-11, the Senior Town Planner, Bikaner Zone had conveyed his concurrence. In my view, Annexure-8 cannot be construed to irrevocably earmark the land for all times to come for being used as women college only.

Vide Annexure-R/2, the provisions of the Rajasthan Colonisation (Sale and Allotment of Land in Mandis in the Bhakra and Indira Gandhi Canal Projects Colony Areas) Conditions, 1973 have been withdrawn from their applicability to the lands in question, and obviously, now they are to be governed by the provisions of Municipalities Act. I also find on record Annexure-R/3, being an order dt. 5.2.2004 passed by the Division Bench in a Public Interest Litigation regarding the dispute raised about location of the bus stand, and the writ was dismissed in view of the legal proposition that the question, as to where the bus stand should be located, is a question of policy, and this Court sitting in the writ jurisdiction cannot decide the question of locating the bus stand. In view of the proposition propounded in the aforesaid order, it is obviously not for me, sitting in Article 226 jurisdiction, to decide, as to where the women college should be established, and whether the proposed land use is not appropriate, as sought to be contended by the petitioner. In any case the petitioner has not been able to make out any legal right to be vesting in it to prevent the respondents from putting the land in question to the other use much less as concurred by the Sr.Town Planner vide Annexure-11.

In that view of the matter, I do not find any force in the writ petition. The same is, therefore, dismissed summarily.

(N.P.GUPTA),J.